

## **REMARKS**

In the Office Action dated November 26, 2008, the Examiner first objected to the specification as failing to provide a proper antecedent basis for certain claimed subject matter, specifically the subject matter of claims 9 and 24. As both claims 9 and 24 have been cancelled as a consequence of the amendments made herein, and as reflected in the listing above, the objection to the specification is believed to be moot. Applicant therefore requests withdrawal of the rejection.

In the subject Office Action, the Examiner also rejected claims 1-16, 18, 20, 23 and 24 under 35 USC § 112 (second paragraph) for alleged indefiniteness and failure to particularly point out and distinctly claim the subject matter of the invention. While Applicant does not necessarily agree with the Examiner's rejections, specifically with the Examiner's assertion that the specific claims set forth by the Examiner do not comply with § 112 (second paragraph), Applicant has made suitable amendments to certain of the claims and cancelled others of the claims, such that the rejections under § 112 (second paragraph) should be withdrawn. Specifically, Applicant has amended claims 1, 4, 6, 7, 15, 20, and 23 substantially in accordance with the Examiner's suggestions or to provide the clarification required by the Examiner.

Additionally, in addition to the cancellation of claims 9 and 24 as set forth above, Applicant also has cancelled claims 2 and 18, as reflected in the above listing. Regarding claims 2 and 18, the Examiner had stated that the claims did not further limit the claims that they were dependent there from and suggested that they be deleted. Again, Applicant does not necessarily agree with the Examiner, but has deleted these claims to advance prosecution of this case.

Further, Applicant has made other changes to claims 6 and 15 to provide further clarity, which changes were in addition to those suggested/required by the Examiner.

As a consequence of the above amendments and cancellations, previously rejected claims 1, 3-8, 10-16, 20 and 23 are now believed to be in condition for allowance, and Applicant respectfully requests that these claims be reexamined and reconsidered and passed to allowance along with previously allowed claims 17, 19, 21, 22, 25 and 26. Because the amendments are such as to place all pending claims in condition for allowance, and/or as the amendments and cancellations made were suggested by the Examiner, Applicant believes that the present Amendment After Final can be entered and considered pursuant to 37 CFR § 1.116(b) (1 and/or 2), and Applicant respectfully requests such action

To the extent that the Examiner has interpreted or characterized the prior art or Applicant's invention, Applicant does not subscribe to the Examiner's interpretation or characterization unless specifically stated so in the above amendment.


If an Extension of Time is required to consider the present Amendment, Applicant specifically petitions for such and authorizes the petition fee to be charged to Deposit Account No. 06/0916. Applicant also authorizes that the said Deposit Account be charged for any other fees or costs that this Amendment may have occasioned.

Finally, if the Examiner believes that further corrections and/or changes are needed to place this case into condition for allowance, the Examiner is requested to call the undersigned at the below listed telephone number at her convenience.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

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